

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2001-006962

04/02/2010

HON. SHERRY K. STEPHENS

CLERK OF THE COURT
A. Kirkendall
Deputy

ATLAS NO 000398001901 (IV-D)
IN RE THE MATTER OF
ERIC BEARD

DEBORAH VARNEY

AND

CORINA DASCHIEVICI

JOHN D HERBERT

KATHIE J GUMMERE
AG-CHILD SUPPORT-EAST VALLEY
OFFICE

HEARING CONTINUED

Courtroom 402 – SEA

Prior to commencement of today's proceedings, Petitioner's exhibits 1 through 8 and 16 through 20 and Respondent's 9 through 13 are marked for identification.

9:40 a.m. This is the time set for Evidentiary Hearing re: Petition to Modify Child Custody, Parenting Time and Child Support filed September 21, 2009 by Petitioner. Petitioner/Father, Eric Beard (hereafter referred to as "Father") is present with counsel, Deborah Varney. Respondent/Mother, Corina Daschievici (hereafter referred to as "Mother") is present with counsel, John D. Herbert.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held with the Court.

Father's exhibits 1 through 8, Mother's exhibits 9 through 13 and Father's exhibits 14 through 18 and 20 are received in evidence, upon stipulation.

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Father's exhibit 19 is offered, but objected to.

Father and Mother are sworn.

After discussion the parties reach a temporary agreement on some of the issues, which is dictated into the record in the presence of both parties which can be generally summarized as follows:

- Until school ends, Father shall have parenting time with **Jaelen Beard (DOB: 04/22/2001 "Jaelen")** every Wednesday from after school until 8:00 p.m. and alternating weekends shall be expanded to Friday at 6:00 p.m. until Monday morning return at school.
- Once summer vacation begins, Father shall have parenting time with Jaelen on alternating weekends from Friday at 6:00 p.m. until Monday morning return to Mother at 9:00 a.m. and two (2) mid-week overnight visits from Tuesday at 6:00 p.m. until Wednesday morning at 9:00 a.m. return to Mother and Wednesday at 6:00 p.m. until Thursday morning at 9:00 a.m. return to Mother. In the event that Father's pick up shall be later than 6:00 p.m., he shall provide Mother with at least twenty-four (24) prior written notice by text message or email.
- The parties shall equally split winter school break. The total number of vacation shall be divided in half. In even-numbered years, Father shall have the first half of the winter break and Mother shall have the second half. In odd-numbered years, Mother shall have the first half of the break and Father shall have the second half. Each parent shall still receive their Christmas Eve, Christmas Day and New Years Eve parenting time during the other parties' parenting time (the holiday parenting time will still be honored during the winter break).
- The parties shall attend co-parenting counseling with Dr. Scott Baker.
- Father shall have parenting time with Jaelen for Martin Luther King, Jr. Day every year.
- Mother shall have parenting time with Jaelen for President's Day every year.
- Each party shall be permitted daily telephonic contact with Jaelen for no more than ten (10) minutes between the hours of 7:00 - 8:00 p.m. The non-custodial parent shall initiate the call. The custodial parent is directed to have Jaelen available to receive the call. If Jaelen is going to be unable to receive the call for some reason, the custodial

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parent must notify the non-custodial parent and give them at least twenty-four (24) hour notice so that an alternate time of contact can be arranged.

Father and Mother both testify that they have heard and understood the agreement as dictated into the record, and that this is, in fact, their agreement.

THE COURT FINDS the agreement is not a result of coercion, is fair and equitable, in the best interests of the parties minor child and is binding upon both parties pursuant to Rule 69, *Arizona Rules of Family Law Procedure* and the Court adopts the agreement as the order of the Court.

Father, having been previously sworn, takes the stand and now testifies.

The witness is temporarily excused.

10:50 a.m. The Court stands at recess for counsel to confer in chambers.

11:30 a.m. Court resumes with respective counsel and parties present.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Pursuant to a stipulation of the parties,

The parties agreed that a continuance was appropriate so that Father would have an opportunity to prove that he had stable employment, stable income, stable housing and to give him an opportunity to obtain a valid driver's license and prove that he can comply with Accountability Court's orders regarding child support arrears.

IT IS ORDERED continuing this matter on **September 23, 2010 at 9:00 a.m.** (time allotted: 3 hours) before:

Maricopa County Superior Court
Southeast Judicial District
222 E. Javelina Avenue
Courtroom 402
Mesa, AZ 85210

The issues to be heard are:

1. Custody

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2. Father's request for equal parenting time
3. Father's employment stability
4. Father's child support payment history

With regard to drug testing,

IT IS ORDERED that there shall be no further regular random drug testing for Father. However, Mother may request that Father drug test. Father must submit to the test within twenty-four (24) hours of receiving a written request from Mother. If the drug test comes back positive for illegal substances, Father must pay for the test. If the drug test comes back negative for illegal substances, Mother must pay for the cost of the test. If the test comes back positive, Father's parenting time shall be supervised until he has completed five (5) consecutive weeks of random drug testing with negative results.

With regards to discipline,

IT IS ORDERED affirming the Court's December 6, 2005 order that the parties shall not delegate discipline of Jaelen to anyone else except for licensed providers. The record shall reflect that in Mother's home, Mother, and not her husband shall be the person to discipline Jaelen until further order of the Court.

With regard to medical and dental coverage,

IT IS ORDERED that Mother shall provide a copy of the medical card to Father. Father is directed to provide his contact information to the health care providers and use providers designated by Mother, unless there is an emergency.

IT IS FURTHER ORDERED that within 30 days of either party incurring unreimbursed medical expenses, that party must submit, in chronological order, any billing statements and attach copies of the insurance declaration indicating the amount that insurance is covering, to the other party. Within 45 days of receiving the aforementioned unreimbursed billing statement, the other party must submit payment or any detailed objections and indicate for which bills the objection is for.

With regard to co-parenting counseling,

IT IS ORDERED that the parents shall participate in and complete co-parenting counseling with Dr. Scott Baker. Each party is directed to call **(480)-840-0400** to register for his next series of co-parenting counseling classes. There are four (4) classes and the total cost for each parent is \$200.00 for all four (4) classes.

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With regard to summer vacation,

IT IS ORDERED that each parent may have ten (10) consecutive uninterrupted days with Jaelen each year beginning in June 2011. Each party must provide an itinerary including address, telephone and location of any out-of-town destination including weekend, summer and other holidays.

IT IS FURTHER ORDERED that the parties must provide at least thirty (30) days written notice of their intent to exercise vacation time.

IT IS FURTHER ORDERED the parties shall exchange proposed parenting time schedules by September 1 each year. These schedules should include all dates each party will have the child during the upcoming year. If the parties cannot agree on the schedule, Father shall have the first choice of dates in odd-numbered years and Mother shall have the first choice of dates in even-numbered years.

IT IS FURTHER ORDERED that Father shall provide to Mother, no later than April 5, 2010 at 5:00 p.m., a telephone number for his Mother in Chicago (Jaelen's grandmother) to verify the information that Father provided is accurate. Assuming that the information that Father has represented to the Court today is accurate, Father shall be allowed to take Jaelen with him to Chicago for five (5) days in July 2010.

FILED: Exhibit Worksheet

12:04 p.m. Matter concludes.

**PLEASE NOTE: IMPORTANT INFORMATION RE: CD/VIDEOTAPE
FEE CURRENTLY IN EFFECT**

This Courtroom uses an electronic recording system for the record. All CDs and videotapes will be provided by the Court, regardless of when the copies are made. A fee of \$20.00 will apply to all copies requested, either on the day of the hearing or for hearings recorded on an earlier date. Forms to request a recording of a proceeding are available in the Self-Service Centers and in the JAVS and FTR courtrooms.

If a party wants a court reporter to record a proceeding in this Court, a written request must be filed at least 48 hours before the commencement of the proceedings.

A person requesting a daily copy CD or videotape must complete the appropriate request form and pay the applicable fee at the Self-Service Center. Upon payment of the appropriate

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fees through the Self-Service Center, a receipt will be issued which shall then be presented to Court staff for preparation of the CD or videotape in the customary manner.

A person wanting a copy of a hearing from a previous occasion must contact Ken Crenshaw at 602-506-7100.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.